

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION, STATE OF NEW YORK, STATE OF CALIFORNIA, STATE OF OHIO, COMMONWEALTH OF PENNSYLVANIA, STATE OF ILLINOIS, STATE OF NORTH CAROLINA, and COMMONWEALTH OF VIRGINIA,	:	20cv00706 (DLC)
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	:	<u>ORDER</u>
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	:	
Plaintiffs,	:	
	:	
-v-	:	
	:	
VYERA PHARMACEUTICALS, LLC, AND PHOENIXUS AG, MARTIN SHKRELI, individually, as an owner and former director of Phoenixus AG and a former executive of Vyera Pharmaceuticals, LLC, and KEVIN MULLEADY, individually, as an owner and former director of Phoenixus AG and a former executive of Vyera Pharmaceuticals, LLC,	:	
	:	
Defendants.	:	
	:	
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DENISE COTE, District Judge:

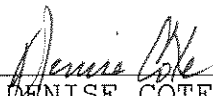
On September 24, 2021, this Court issued an Opinion granting the State plaintiffs in the above-captioned action partial summary judgment on the issue of the States' authority to pursue nationwide disgorgement. In their cross-motion filed on August 27, 2021, the States also sought a preclusive order against the defendants. Accordingly, it is hereby

ORDERED that it shall be the law of the case for the duration of pretrial and trial proceedings that the location of Daraprim purchases is irrelevant.

IT IS FURTHER ORDERED that defendants shall be precluded at trial from introducing evidence or examining or cross-examining witnesses with respect to the location of such purchases.

SO ORDERED:

Dated: New York, New York
September 24, 2021



DENISE COTE
United States District Judge